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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,358	04/20/2004	Jae-hee Han	1349.1371	2607
21171	7590	11/27/2006	EXAMINER	
STAAS & HALSEY LLP			FERGUSON, MARISSA L	
SUITE 700				
1201 NEW YORK AVENUE, N.W.			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20005				2854

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/827,358	HAN ET AL.	
	Examiner	Art Unit	
	Marissa L. Ferguson-Samreth	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 13 September 2006.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-18 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 8, 9 12, 14-16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee (JP 2003-103855).

Regarding claim 1, Lee teaches a paper guide member (30) which is movably disposed between first (Figure 2) and second positions (Figure 4) with respect to a paper discharging direction of the papers to be stack the papers discharged from the paper outlet (papers discharge from outlet and rest in discharging port and sheet stacker 10) in first and second placing positions disposed relative to each other along the discharging direction (Figures 2 and 4 and also the feature is inherent due to the different paths B&C each sheet takes when the guide member is in each respective position), a driving unit (40) to selectively move the paper guide member between the first (Figure 2) and second positions (Figure 4) and wherein when the paper guide member (30) is in first position (Figure 2) the papers drop to a first placing position from the paper outlet without being guided by the paper guide member (Paragraph 0022-0024).

Regarding claim 8, Lee teaches a guide (30) disposed between first (Figure 4) and second guide positions (Figure 2) to respectively stack the discharged papers in

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first (Figure 4 shows first position wherein the discharged papers rest in discharging port and sheet stacker 10) and second stacking positions (Figure 2 shows first position wherein the discharged papers rest in discharging port and sheet stacker 10), the first and second stacking positions being disposed so that trailing edges of the papers are disposed relative to each other (the feature is inherent due to the different paths B&C each sheet takes when the guide member is in each respective position) along the discharge direction. It is also noted that no two sheets are ever going to land exactly in the same position. There will always be a relative difference in their landing positions. Such a difference would be amplified by the use of the guide 30.

Regarding claim 9, Lee teaches a driver (40) that selectively moves the guide between first and second guide positions.

Regarding claim 12, Lee teaches wherein discharged papers do not contact the guide when the guide is in the second guide position (Paragraph 0022- 0024).

Regarding claim 14, Lee teaches wherein a body defining a paper outlet to discharge papers having images formed thereon in a discharge direction (refer to figure on page 4), a discharge apparatus to sort the discharged papers comprising a guide (30) disposed between first (Figure 4) and second (Figure 2) guide positions to respectively stack the discharged papers in first (Figure 4 shows first position wherein the discharged papers rest in discharging port and sheet stacker 10) and second stacking positions (Figure 2 shows first position wherein the discharged papers rest in discharging port and sheet stacker 10), the first and second stacking positions being disposed so that trailing edges of the papers are disposed relative to each other (the

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limitation does not add any additional structure) along the discharge direction and a driver (40) to selectively move the guide between the first and second guide positions.

Regarding claim 15, Lee teaches stacking means (10) for stacking the discharged papers in first (Figure 4) and second stacking positions (Figure 2), disposed between first and second guide positions and wherein the first and second stacking positions being disposed so that trailing edges of the papers are disposed relative to each other (the feature is inherent due to the different paths B&C each sheet takes when the guide member is in each respective position) along the discharge direction. It is also noted that no two sheets are ever going to land exactly in the same position. There will always be a relative difference in their landing positions. Such a difference would be amplified by the use of the guide 30.

Regarding claim 16, Lee teaches a drive means (40) for selectively moving the stacking means between the first and second guide positions.

Regarding claim 18, Lee teaches a discharging means (1, 2, 20 and refer to figure above) for discharging papers having images formed thereon in a discharge direction , sorting means (30) for sorting the discharged papers comprising, a stacking means (10) for stacking the discharged papers in first and second stacking positions (Figures 2 and 4), wherein the first and second stacking positions being disposed so that trailing edges of the papers are disposed relative to each other (the feature is inherent due to the different paths B&C each sheet takes when the guide member is in each respective position) along the discharge direction and a moving means (31) for selectively moving the stacking means between first and second guide positions to

respectively stack the discharged papers in the first and second stacking positions (Figures 2 and 4). It is also noted that no two sheets are ever going to land exactly in the same position. There will always be a relative difference in their landing positions. Such a difference would be amplified by the use of the guide 30.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (JP 2003-103855) in view of Masaru (JP 58-100059).

Lee teaches the claimed invention with the exception of a paper guide member that is pivotably mounted at the paper outlet, when the paper guide member is in the second position, a lower surface of each of the papers contacts the paper guide member to place the papers at a second placing position which is further than the first placing position from the paper outlet and wherein first and second sorting positions of the discharged papers are determined according to a length of the paper guide member in the paper discharging direction.

Masaru teaches a guide member (5) that is pivotably mounted at the paper outlet, a lower surface of the papers contacts the paper guide member to place the

papers in a second position (second position is element 5 in a down position and the papers rest in the bottom tray 11) which is further than first position (first position is when element 5 is up and the papers rest on top tray 10) and the apparatus discharges the papers according to the paper size (Constitution).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention as taught by Lee to replace the guide thereof with a guide that pivots and discharges papers according to the length of the guide member as taught by Masaru, since Masaru teaches that it is advantageous to store the paper in an orderly manner and to keep it from bad running condition.

3. Claims 3, 5-7, 10, 11, 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (JP 2003-103855) in view of Toyoki et al. (JP 59-223658).

Regarding claims 3, 10, 11 and 17, Lee teaches the claimed invention with the exception of a pivot shaft pivotably supported by the paper outlet, a guide panel supported by the pivot shaft being exposed to an outside of the paper outlet and contacted with the lower surface of the papers in the second position, a driving panel extended in a direction perpendicular to the guide panel to pivot in relation to the movement of the driving unit being interfered by the driving unit and wherein the first panel has a greater length in a direction perpendicular to the shaft than the second panel, and the first panel moves due to a weight thereof when a force from the driver on the second panel is removed. Toyoki et al. a pivot shaft (10) pivotably supported by the paper outlet (Figure 3), a guide panel (7b) supported by the pivot shaft (10) being

exposed to an outside of the paper outlet and contacted with the lower surface of the papers in the second position (Figure 4 shows different positions of paper as it is discharged) and a driving panel (8a) extended in a direction perpendicular to the guide panel to pivot in relation to the movement of the driving unit being interfered by the driving unit (Figure 6 shows pivoting) and wherein the first panel (7b) has a greater length in a direction perpendicular to the shaft than the second panel (8a) and the first panel moves due to a weight thereof when a force from the driver (8) on the second panel is removed.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention as taught by Lee include pivot shaft, guide panel and driving panel as taught by Toyoki et al., since Toyoki et al. teaches that it is advantageous to provide an easy method of sorting a plurality of sheets to and from a side edge thereby providing less interference amongst other elements.

Regarding elements 5-7, 11 and 13, Lee teaches the claimed invention with the exception of wherein a guide panel comprises a pair of panels formed symmetrically, wherein the guide panel moves to the first position by pivotably falling from the second position due to a weight thereof, when the driving unit is turned off and wherein the paper guide member comprises a driving panel and the driving unit comprises a solenoid to switch on/off to forcibly move the paper guide member to the first and second positions by interfering with the driving panel of the paper guide member. Toyoki et al. teaches a guide panel comprises a pair of panels (7b,8a) formed symmetrically, wherein the guide panel moves to the first position by pivotably falling

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from the second position due to a weight thereof, when the driving unit is turned off (obvious that when the solenoid is turned off the plate 7 will return to the original position shown in figure 2a) and wherein the paper guide member (7) comprises a driving panel (7b) and the driving unit (8a) comprises a solenoid (8) to switch on/off to forcibly move the paper guide member to the first and second positions by interfering with the driving panel of the paper guide member (constitution).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention as taught by Lee include pivot shaft, guide panel and driving panel as taught by Toyoki et al., since Toyoki et al. teaches that it is advantageous to provide an easy method of sorting a plurality of sheets to and from a side edge thereby providing less interference amongst other elements.

Response to Arguments

3. Applicant's arguments filed 9/13/06 have been fully considered but they are not persuasive. Regarding applicant's comments on page 5, "Figs. 2 and 4 of Lee illustrate the papers in the stacker 10 in a single position", the examiner notes that the figures may show the paper in the same position, however the swivel unit (30) in figure 2 does not affect the paper as it falls into discharging port (10 and also look at Figure 4 position C, which denotes the first path of paper). In figure 4, the swivel unit (30) moves to a second position as shown and the paper path follows along path B which the paper clearly follows and would rest in a second position (refer to paragraph 0042).

4. Regarding applicant's comments on page 5, paragraph 6, the examiner would like to note that the Abstract teaches when the solenoid is turned off when the plate is in

one position and force of the solenoid would correspond the weight acting up the guide member (7). Consequently, the spring would not affect the movement in the off position.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa L. Ferguson-Samreth whose telephone number is (571) 272-2163. The examiner can normally be reached on (M-T) 6:30am-4:00pm and every other (F) 7:30am-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marissa L Ferguson-Samreth
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